IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 7TH DECEMBER 2006 / 16TH AGRAHAYANA 1928

WP(C).No. 32278 of 2006(P)

PETITIONER:

C.C.JACOB, S/O.C.L.CHAKKUNNY,
CHENAPPILLY HOUSE, KONIKKARA P.O.,
THRISSUR DISTRICT, MANAGING PARTNER OF
SREE CHAKRA POLYMERS, VI/208(NEW)P.O.MULAYAM,
VALAKKAV, THRISSUR DISTRICT.

BY ADV. SRI.M.UNNIKRISHNA MENON
SRI.K.M.JAMALUDHEEN

RESPONDENTS:

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1. SECRETARY,
THE KERALA STATE ELECTRICITY BOARD,
VYDYUTHI BHAVAN, PATTAM PALACE P.O.,
THIRUVANANTHAPURAM.

2. THE DEPUTY CHIEF ENGINEER,
ANTI POWER THEFT SQUAD,
KSEB, VYDYUTHI BHAVAN, PATTOM PALACE P.O.,
THIRUVANANTHAPURAM.

3. ASSISTANT ENGINEER,
KSEB, ELECTRICAL MAJOR SECTION,
NADATHARA.

4. SUB ENGINEER,
ELECTRICAL MAJOR SECTION,
NADATHARA, THRISSUR DISTRICT.

BY SRI.JOSE J. MATHEIKAL, SC FOR KSEB.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/12/2006,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B. RADHAKRISHNAN, J.

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WP(C).No.32278 OF 2006-P

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Dated this the 7th day of December, 2006.

JUDGMENT

The petitioner's unit faces proceedings under the Electricity Laws. It appears that a mahazar was drawn up for detection of theft and bills have been issued and disconnection effected. The learned counsel for the petitioner contends that Ext.P1 mahazar is one not drawn up in accordance with law and that it cannot be a foundation for either the disconnection or the demand. I find that Ext.P1 contains an endorsement of having been served on one Vasudevan. The petitioner's counsel, however, points out that the said Vasudevan is only a part-time watchman in the unit and therefore, not an agent of the petitioner. Whatever that be, under the Electricity Supply Code and the Electricity Act, the petitioner has an effective alternate remedy by way of an appeal against the demand.

2. Having heard the learned counsel for the petitioner and the learned standing counsel for the Board,

it is directed that if the petitioner files appeal before the appellate authority within a period of three weeks from now, the appeal will be considered and decided upon as enjoined by law. The entertainment of the appeal will be on satisfaction of the necessary statutory pre-conditions.

3. In the meanwhile, if the petitioner remits one fourth of the amount demanded, the supply to the premises will be forthwith re-connected.

The writ petition is disposed of as above.

Sd/-
THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/-

-true copy-

P.S.to Judge.